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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,391	04/02/2004	Christopher D. Bartlett	FMCE-P015D	2906

7590 01/27/2005  
Henry C. Query, Jr.  
504 S. Pierce Avenue  
Wheaton, IL 60187

EXAMINER
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BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/817,391

Applicant(s)

BARTLETT ET AL.

Examiner

Thomas A Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12-15, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 5-11, 16-21, and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/02/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second ring seals of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

2. The listing of reference(s) in the preliminary amendment is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office. Therefore, unless the reference(s) have been cited by the examiner on form PTO-892, they have not been considered - note any references cited in an IDS or the 1449 of the parent case 09/815,437 that have not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3671

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 12-15, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Pritchett et al 5,686,204. Pritchett shows a flow completion system with a tree (spool) 11 having a central bore with the tubing hanger 21/37 with a production bore 45, production passageway 27 and outlet 9, and further showing first 29 and second 51 closure members (wireline plugs; claims 3 & 13) and first 65 and second annular seals creating first and second pressure containing barriers (uppermost; claim 12) that isolate the production bore and tubing annulus from a portion of the bore. Pritchett shows, in figure 2, first and second ring seals (unnumbered) mounted on the bodies 29 and 53 respectively (claims 2, 4, 14, 15, & 23) inherently made of metal since this material is notoriously well known in the art. As concerns the method claims 22-23, they are rejected as being inherent to the apparatus of Pritchett as noted above.

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Art Unit: 3671

5. Claims 1-4, 12-15, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Milberger 6,050,339. Milberger shows a flow completion system with a tubing hanger 21/37 with a production bore 45, production passageway 27 and outlet 9, and further showing first 29 and second 51 closure members (wireline plugs; claims 3 & 13) and first 31 and second 49 annular seals creating first and second pressure containing barriers (uppermost; claim 12) that isolate the production bore and tubing annulus from a portion of the bore. Milberger shows, in figure 2, first (unnumbered) and second 58, 60 ring seals (seal 57 is of metal; claims 2, 4 & 14-15) mounted on the bodies 29 and 53 respectively. As concerns the method claims 22-23, they are rejected as being inherent to the apparatus of Milberger as noted above

6. Claims 1-4, 12-15, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenton 6,367,551. Fenton shows a flow completion system with a tubing hanger 14/16 with a production bore 13, production passageway 13a and outlet, and further showing first 21 and second 19 closure members (wireline plugs; claims 3 & 17) and first and second annular seals (unnumbered, figure 1) creating first and second pressure containing barriers (uppermost; claim 12) that isolate the production bore and tubing annulus from a portion of the bore. Fenton shows the second seal (metal; claims 2, 4 & 14-15) with a closure member 44 and a tree 26. As concerns the method claims 22-23, they are rejected as being inherent to the apparatus of Fenton as noted above

7. Claims 1-4, 12-15, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Baskett 2002/0011336. Baskett shows a flow completion system with a

Art Unit: 3671

tubing hanger 10 with a production bore 11, production passageway 48 and outlet, and further showing first 24 and second 26 closure members (wireline plugs; claims 3 and 13) and first (unnumbered, figure 16) and second 30 steel (claims 2, 4 & 14-15) annular seals creating first and second pressure containing barriers (uppermost; claim 12) that isolate the production bore and tubing annulus from a portion of the bore. Fenton shows an annulus bore 18 (claim 10) above the second seal with a closure member 44 and a tree cap 42 (claim 3). As concerns the method claims 22-23, they are rejected as being inherent to the apparatus of Baskett as noted above

### ***Allowable Subject Matter***

8. Claims 5-11, 16-21, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 or 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

January 22, 2005

